

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MICHAEL MANJEET SINGH,  
Plaintiff,  
v.  
WARDEN PHEIFFER, *et al.*,  
Defendants.

Case No. 1:22-cv-01412-KES-EPG

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS THAT PLAINTIFF  
PROCEED ONLY ON HIS COGNIZABLE  
EIGHTH AMENDMENT AND STATE LAW  
CLAIMS AGAINST DEFENDANTS VEITH,  
FOWLER, AND DIAZ, AND DISMISSING  
ALL OTHER CLAIMS AND DEFENDANTS

Docs. 9, 37

Michael Manjeet Singh (“Plaintiff”) is a prisoner proceeding pro se in this civil rights action filed pursuant to 42 U.S.C. § 1983. This case proceeds on Plaintiff’s Eighth Amendment claims against Defendants Veith, Fowler, and Diaz for excessive force, failure to protect, and medical deliberate indifference, as well as Plaintiff’s state law claims for negligent failure to protect and failure to summon medical care in violation of California Government Code §§ 845.6 and 844. Docs. 9, 28, 37.

On October 11, 2023, the assigned magistrate judge issued findings and recommendations recommending that all other claims and defendants be dismissed. Doc. 37. The findings and

1 recommendations contained notice that any objections were to be filed within fourteen (14) days  
2 of service. No objections were filed and the time to do so has passed.

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1) and Local Rule 302, this Court  
4 has conducted a de novo review of this case. Having carefully reviewed the file, the Court finds  
5 the findings and recommendations to be supported by the record and proper analysis.

6 Thus, the Court ORDERS:

- 7 1. The findings and recommendations issued October 11, 2023, are ADOPTED IN  
8 FULL;
- 9 2. All claims and defendants in this case are dismissed, except for Plaintiff's Eighth  
10 Amendment claim for excessive force against Defendants Veith and Fowler;  
11 Eighth Amendment claim for failure to protect against Defendants Veith, Fowler,  
12 and Diaz; Eighth Amendment claim for deliberate indifference to a serious  
13 medical need against Defendants Veith, Fowler, and Diaz; state law tort claim for  
14 negligent failure to protect against Defendants Veith, Fowler, and Diaz; and state  
15 law claim for failure to summon medical care in violation of California  
16 Government Code §§ 845.6 and 844 against Defendants Veith, Fowler, and Diaz;  
17 and
- 18 3. The Clerk of Court is directed to terminate Warden Pheiffer, Doe Captain of  
19 KVSP ASU-SHU-2, Doe Lieutenant of KVSP, and Doe Sergeant of KVSP as  
20 defendants.

21  
22  
23 IT IS SO ORDERED.

24 Dated: November 25, 2024

  
UNITED STATES DISTRICT JUDGE